

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LUKE HARLEY MCBRAYER, )  
                            )  
Plaintiff,               )  
                            )  
v.                        )                  Case No.: 7:19-cv-616  
                            )  
                            )  
GREGORY WINSTON,       )  
                            )  
Defendant.              )

**DEFENDANT'S MOTION TO DISMISS**

Defendant Gregory Winston, by counsel, moves this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff Luke Harley McBrayer's complaint. For the reasons stated in the accompanying Memorandum in Support of Motion to Dismiss, the Plaintiff has failed to state any claim against Gregory Winston upon which relief can be granted.

WHEREFORE, Defendant Gregory Winston respectfully requests that this Court dismiss the claims asserted against him as more specifically set out in the accompanying memorandum, and award him such other relief as this Court deems just and proper.

GREGORY WINSTON

By: /s/ Julian F. Harf  
Julian F. Harf (VSB #90775)  
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*Attorney for Defendant Gregory Winston*

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 17th day of December, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I further certify that I have mailed by United States Postal Service the document to the following:

Luke Harley McBrayer  
#10-34225  
New River Regional Jail  
PO Box 1067  
Dublin, VA 24084  
*Plaintiff pro se*

/s/ Julian F. Harf

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